

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ERIC L. JEFFRIES,

Plaintiff

vs.

**CENTRE LIFE INSURANCE COMPANY,
et al.**

Defendant

: Case No. C-1-02-351
:
: (Judge Beckwith)
: (Magistrate Judge Hogan)

: **DEFENDANT'S PROPOSED**
: **JURY INTERROGATORIES**

:

The following proposed jury interrogatories are submitted on behalf of Centre Life Insurance Company.

Respectfully submitted,

s/William R. Ellis

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DEFENDANTS PROPOSED JURY INTERROGATORIES

Interrogatory 1

Do you find by a preponderance of the evidence that Mr. Jeffries was unable to perform the material duties of his occupation as of March 2003?

Yes _____ No _____

Proceed to Interrogatory No. 2.

Interrogatory 2

Do you find by a preponderance of the evidence that Mr. Jeffries was receiving care by a medical provider which was appropriate for the condition causing his disability as of March 2003?

Yes _____ No _____

If your response to Interrogatory No. 1 or No. 2 was no, sign the verdict form and inform the courtroom deputy that you have concluded your deliberations. If your response to both Interrogatories 1 and 2 was yes, proceed to Interrogatory No. 3.

Interrogatory 3

Do you find by a preponderance of the evidence that Mr. Jeffries is currently unable to perform the material duties of his occupation?

Yes _____ No _____

Proceed to Interrogatory No. 4.

Interrogatory 4

Do you find by a preponderance of the evidence that Mr. Jeffries is currently receiving care by a medical provider which is appropriate for the condition causing his disability?

Yes _____ No _____

If your response to Interrogatory No. 3 or No. 4 was no, sign the verdict form and inform the courtroom deputy that you have concluded your deliberations. If your response to both Interrogatories No. 3 and No. 4 was yes, proceed to Interrogatory No. 5.

Interrogatory 5

Do you find by a preponderance of the evidence that the cause of Mr. Jeffries' disability is one or a combination of the DSM-IV diagnoses, i.e., somatoform disorder, with obsessive compulsive traits and/or cognitive disorder not otherwise specified?

Yes ___

No ___

If your response to this Interrogatory was yes, please sign the verdict form and inform the courtroom deputy that you have concluded your deliberations. If your response to this Interrogatory was no, proceed to Interrogatory No. 6.

Interrogatory 6

Do you find by a preponderance of the evidence that Centre Life, through its agent DMS had a reasonable basis to believe that Mr. Jeffries' disability was psychological in nature?

Yes ___

No ___

If your response to this Interrogatory was yes, please sign the verdict form and inform the courtroom deputy that you have concluded your deliberations. If your response to this interrogatory was no, proceed to Interrogatory No. 7.

Interrogatory 7

If you found that Centre Life did not have a reasonable basis to believe that Mr. Jeffries' disability was psychological in nature, do you find by a preponderance of the evidence that Mr. Jeffries suffered damages (other than loss of income under the policy) that were proximately caused by Centre Life's actions?

Yes ___

No ___

If your response to this interrogatory was no, sign the verdict form and inform the courtroom deputy that you have concluded your deliberations. If you response to this interrogatory was yes, proceed to Interrogatory No. 8.

Interrogatory 8

If you found that Mr. Jeffries suffered damages (other than the loss of income under the policy) state the amount of damages to be awarded to Mr. Jeffries?

\$ _____

Proceed to Interrogatory No. 9.

Interrogatory 9

If you found that Centre Life did not have a reasonable basis to believe that Mr. Jeffries' disability was psychological in nature, do you find by clear and convincing evidence that Centre Life acted with "malice", as that term is defined in your final instructions?

Yes _____

No _____

If your response to this Interrogatory was yes, proceed to Interrogatory No. 10. If your response to this interrogatory was no, please sign the verdict form and inform the courtroom deputy that you have concluded your deliberations.

Interrogatory 10

If you found that Centre Life acted with "malice", state the amount of punitive damages, if any, to be awarded Mr. Jeffries:

\$ _____

If you entered a dollar amount, proceed to Interrogatory No. 11.

Interrogatory 11

If you awarded punitive damages to Mr. Jeffries in Interrogatory No. 10, state whether plaintiff should be awarded his attorneys' fees as well.

Yes _____

No _____

When you have completed this Interrogatory, please sign the verdict form and inform the courtroom deputy that you have concluded your deliberations.

ALL JURORS MUST SIGN THE VERDICT

Date: _____

Foreperson: _____

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